

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
ICON INTERNATIONAL, INC.,

Plaintiff,

-v.-

ELEVATION HEALTH LLC,

Defendant.  
-----X

ORDER

:  
22 Civ. 4304 (MKV) (GWG)

GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

With regard to the request for sanctions as raised by defendant in Docket ## 79 and 100, defendant shall file its motion for sanctions on or before February 23, 2024. Any response shall be filed by March 4, 2024. Any reply shall be filed by March 11, 2024. Defendant shall comply with Local Civil Rule 7.1(a) and paragraphs 2.B through 2.F of the Court's Individual Practices. The parties should not assume that the Court is familiar with any prior proceedings and thus must include all relevant facts in the motion papers. Additionally, the parties are reminded that they must provide appropriate citations for each factual statement as required by paragraph 2.D of the Court's Individual Practices.

With regard to the Order to Show Cause issued by Judge Vyskocil on January 29, 2024 (Docket # 94), the deadline for a response to that Order has passed with only the defendant responding (Docket # 96). While the briefing on the sanctions motion should not address the Order to Show Cause, defendant's memorandum of law may allude to the fact that plaintiff has failed to oppose the sanctions proposed in the Order to Show Cause.

Finally, defendant should not assume that any particular request for sanctions (e.g., adverse inferences) will be addressed in conjunction with a summary judgment motion as was discussed at the December 15, 2023, conference. Instead, defendant should brief its request for any type of sanction it is seeking.<sup>1</sup>

SO ORDERED.

Dated: February 12, 2024  
New York, New York

  
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GABRIEL W. GORENSTEIN  
United States Magistrate Judge

<sup>1</sup> The Court is aware of the defendant's request that Docket # 94 be modified to allow it to file a summary judgment motion. That application will be addressed at the time the sanctions motion is addressed.